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EXAMINER	
FLEISCHER, MARK A	

ART UNIT	PAPER NUMBER
3624	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/538,225	NICHOLLS ET AL.	
	Examiner	Art Unit	
	MARK A. FLEISCHER	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 June 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 0228447.9.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6 Sept. 2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This non-final action is in reply to the preliminary amendments filed on 6 June 2006.
2. Claims 1, 2 and 9 – 21 have been amended.
3. Claims 1 – 21 are currently pending and have been examined.

Priority

4. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. §119(e) or under 35 U.S.C. §120, §121, or §365(c) is acknowledged.

Information Disclosure Statement

5. The Information Disclosure Statement filed on 6 September 2005 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Oath/Declaration

6. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02. The oath or declaration is defective because: It does not clearly or legibly identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Drawings

7. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings do not clearly or legibly indicate the specific components labeled. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

8. Claim 10 is objected to because of the following informalities: The claim recites "... said computer readable has a ..." and apparently should read "... said computer readable medium has a ...". Appropriate correction is required.
9. Claim 14 is objected to because of the following informalities: The claim recites "...includes forecasts performance and ranges of potential likely performance.", and apparently should read "...includes forecasts of performance ..." Appropriate correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. §112:

    The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 3, 4, 9, 11, 14, 18 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

    - **Claims 3, 4, 9 and 11:** These claims are vague and indefinite as they incorporate the terms "and/or" making it unclear as to whether the subsequent elements are optional or necessary.
    - **Claim 14:** This claim recites "... ranges of potential likely performance" wherein the terms 'potential' and 'likely' are vague and indefinite and, further, the term 'likely' is a relative term

which renders the claim indefinite. The term is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

- **Claim 18:** This claim recites "distributing collective understanding" vague and indefinite language and 'collective' and 'understanding' refer to vague and indefinite concepts which may also entail elements of human cognition.

Claim Rejections - 35 USC § 101

12. 35 U.S.C. §101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

13. Claims 11 – 20 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is that a §101 process must (1) be tied to a particular machine or apparatus or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876). An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a §101 statutory process, the claim should positively recite the machine or apparatus (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively reciting the subject matter that is being transformed, for example by identifying the material that is being changed to a different state. Examiner notes that while these claims do recite some components of the elements of a machine, they are insufficient to substantively tie them to such machine in that no correspondence is discernable between the various method steps and the particular components of the machine.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 1 – 7, 9 – 11 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Golightly, et al. (US PgPub 20030046130 A1) in view of Sanders, et al. (US 6574605 B1).

Claims 1 and 21:

Although claims 1 and 21 are worded and/or structured slightly differently, they have the same scope and so are addressed together. Golightly teaches the following limitations as shown.

- *a plurality of terminals each having a user interface for displaying data to a business person of the enterprise* (Golightly [abstract] states "The system includes multiple computer systems coupled over a network, which store and implement multiple models, including one or more dynamic models representing respective sub-systems or processes of the enterprise.");
- *a communications network to which said terminals are connected* (see above); *and*
- *a database storing a database of historical data comprising values of each of a plurality of indicators at a plurality of points in time, said indicators including raw data* (Golightly [0025] refers to such historical data); *and*
- *at least one computer configured to receive real-time events comprising new values of a plurality of said indicators comprising new raw data from one or more external sources, and configured to combine the new raw data with selected historical business data from said database to calculate at least one value of a metric therefrom, so as to provide real-time event-driven values of the metrics* (Golightly [0077] states "The dynamic model feedback 406 allows real-time data (e.g., availability of equipment) to be used as input to generate improved versions of optimized decisions and/or actions on an event-driven basis.", and in [0134] states "A command and control

system approach may be operable to synchronize operations, facilitate collaboration across the enterprise, provide contextual information with consistency in objectives and constraints, and provide meaningful and measurable performance indicators." (emphasis added)).

Golightly does not specifically teach using a *database per se,* for storage of historical data, but Sanders, in an analogous art, does. Sanders [4,55] states "...types of execution results have long-range performance or management data that are collected and put into a database." (emphasis added). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Golightly and Sanders as both pertain to controlling and managing an enterprise using computer technology and networking and utilizing database means is a well-known technique that has been widely adopted and facilitates computation of analytics and its effects would therefore have been predictable.

Claim 11:

Golightly teaches the following limitations as shown.

- *defining metrics which describe the performance of an organization, corporation, team or group, or business process* (see rejection of claim 1. Also, Golightly [0135] refers to optimization of performance pertaining to organizational structure and interfaces between groups.);
- *storing historical values for the metrics* (Golightly [0040]);
- *defining goals for the current and future performance as measured by the metrics* (Golightly [0103] *inter alia*);
- *projecting the likelihood of targets being achieved in the future* (Golightly [0151] refers to forecasting and financial projections that depend upon measurements of performance.);
- *testing, improving and/or optimizing performance of one or more metrics* (Golightly [0125] *inter alia* describes and/or discloses how optimization affects control setpoints.);
- *detecting the significance of a transaction, event or change in data* (Golightly [0030] states "For example, external variables may include variables such as customer addresses, customer income levels, customer demographic information, bureau data, transaction file data, cost of funds and capital, and other suitable variables.", and in [0136] refers to "a mechanism to

reevaluate plans based on significant deviations between assumptions and real-time performance estimates...");

- *performing an action in response to the detecting the significance of a transaction, event or change in data* (Golightly [claim 37] states "modifying the plurality of second dynamic models in response to the inputs."); *and*
- *distributing collective understanding of the meaning and significance of a metric, transaction, event or change in data across an organization, corporation, team or group* (Golightly [0131] states "... which may help manufacturers or other enterprise managers understand, control, and optimize their processes." (emphasis added)).

Golightly does not specifically teach *storing* of historical values *per se* (as opposed to gathering historical data as in Golightly [0026]), but Sanders, in an analogous art, does. Sanders [4,55] states "...types of execution results have long-range performance or management data that are collected and put into a database." (emphasis added). Sanders [3,1] also makes reference to the storage of historical data. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Golightly and Sanders as both pertain to controlling and managing an enterprise using computer technology and networking and utilizing database means is a well-known technique that has been widely adopted and facilitates computation of analytics and its effects would therefore have been predictable.

Claim 2:

Golightly teaches the following limitations as shown.

- *said at least one computer is arranged to repetitively calculate an actual, expected and predicted value of said metric from selected historical data from said database so as to provide realtime actual, expected and predicted values* (Golightly [0050] states "This approach may be used to, in effect, optimize the enterprise in a substantially continuous or on-going manner. In another use of this approach, the optimization process may be performed iteratively until the solutions converge, i.e., until, in effect, a solution equilibrium is reached, or until an specified time period has elapsed.").

Claim 3:

Golightly teaches the following limitations as shown.

- *said at least one computer is arranged to store one or more rules operating on said real-time event-driven values and/or said real-time actual, expected and predicted values in accordance with predefined conditions, and to execute said rules in event-driven fashion when said values change* (Golightly [0040] states "The plurality of models may include any of a variety of model types, such as, for example, a neural network, a support vector machine, an analytic model, a statistical model, a regression model, an empirical model, a first principals model, a non-linear model, a rule-based model, and an expert system model, among others. Some models may also be combinations of any of the above model types.").

Claim 4:

Golightly teaches the following limitations as shown.

- *said at least one computer is arranged to store one or more target values and to compare said real-time event-driven values and/or said real-time predicted values with said target values* (Golightly [0004] refers to predictive models and parameter values the results of which are compared to the most beneficial outcome or result.).

Claim 5:

Golightly [0149] teaches a re-planning cycle triggered by deviations from an existing plan but does not specifically teach the following limitation, but Sanders, in an analogous art, does as shown.

- *said at least one computer is arranged to store one or more alert definitions causing a signal to be sent when a said rule is met* (Sanders [2,40] *inter alia* describes and/or discloses use of alerts triggering dynamic resource allocations in response to real-time event monitoring.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Golightly and Sanders as both pertain to controlling and managing an enterprise using computer technology and networking and the use of triggered alerts when a specified criterion is met is a well-known technique that has been widely adopted and facilitates real-time control of a complex system and its effects would therefore have been predictable.

Claims 6 and 7:

Golightly does not specifically teach the following limitations, but Sanders, in an analogous art, does as shown.

- *said at least one computer is arranged to send a message to a terminal selected in dependence on the nature of the alert* (Sanders [20,4] describes and/or discloses messages sent to specified systems. Sanders [16,51] also describes an alert message sent to a specified user.)
- *the message is an email message* (Sanders [16,59] describes an email option for communication).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Golightly and Sanders as both pertain to controlling and managing an enterprise using computer technology and networking and the use of triggered alerts and email messaging when a specified criterion is met is a well-known technique that has been widely adopted and facilitates real-time control of a complex system and its effects would therefore have been predictable.

Claim 9:

Golightly does not specifically teach the following limitations, but Sanders, in an analogous art, does as shown.

- *means for generating a real-time-updated graphical user interface to display data selected from said real-time event-driven values and/or said real-time actual, expected and predicted values and/or said raw business data and/or said alerts* (Sanders [17,54] states "With regard to the monitor display [ ], it is a set of monitor screens that provide graphical user interface for the ECC system user or administrator to perform on-line monitoring activities.").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Golightly and Sanders as both pertain to controlling and managing an enterprise using computer technology and networking and the use of graphical user interfaces is a will known technique for monitoring the status of a complex system such as an enterprise and has been widely adopted and facilitates real-time control of a complex system and its effects would therefore have been predictable.

Claim 10:

Golightly teaches the following limitations as shown.

- *said computer readable has a program which configures said at least one computer to combine said new raw data and calculate said at least one value of a metric* (Golightly [0037] refers to use of empirical data from which metrics are calculated.).

16. Claims 8 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Golightly, et al. (US PgPub 20030046130 A1) in view of Sanders, et al. (US 6574605 B1) and further in view of Davies, et al. (US PgPub 20030033191 A1).

Claim 8:

Neither Golightly nor Sanders teaches the following limitations, but Davies, in an analogous art, does as shown.

- *arranged to open a discussion thread under predefined conditions, and involving a predefined group* (Davies [0159] states "A user can drill down to obtain more detailed information for each Phase by clicking on the Phase traffic light indicator. A number of common functions can be provided in a Program Workspace, such as Shared Documents, Discussion Groups/Threads, etc. A Participants screen lists the members of the Program Team. Every Program has a team that consists of one or more coordinators, members, or guests. The Workspace Role column indicates which users or groups are coordinators, member or guests in the context of the Program. The Workspace Role defines what users can see and do in that particular Program Workspace.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Golightly and Sanders with the teaching of Davies because incorporating the technology for establishing discussion threads and groups that can take advantage of modern inter-networked collaboration technologies enhances the capability of utilizing real-time information and the accuracy of forecasts. The added capabilities of organization-wide communications taught by Davies would therefore have added an improved capability to the teachings of Golightly and

Sanders and the improvement in the collaboration potential would have been obvious and predictable to one of ordinary skill in the art at the time of the invention.

Claim 18:

Golightly teaches the following limitations as shown.

- *wherein the distributing collective understanding of the meaning and significance of a metric, transaction, event or change in data across an organization, corporation, team or group includes one or more of storing annotations, comments and threads of discussion; linking annotations, comments and threads of discussion to metrics, targets and forecasts; publishing metrics, goals and forecast performance across an organization, corporation, team or group; publishing annotations, comments and threads of discussion across an organization, corporation, team or group* (see the rejection of claim 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Golightly and Sanders with the teaching of Davies because incorporating the technology for establishing discussion threads and groups that can take advantage of modern inter-networked collaboration technologies enhances the capability of utilizing real-time information and the accuracy of forecasts. The added capabilities of organization-wide communications taught by Davies would therefore have added an improved capability to the teachings of Golightly and Sanders and the improvement in the collaboration potential would have been obvious and predictable to one of ordinary skill in the art at the time of the invention.

17. Claims 12 – 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Golightly, et al. (US PgPub 20030046130 A1) in view of Sanders, et al. (US 6574605 B1) and further in view of Buchan, et al. (US 7584165 B2).

Claim 12:

Golightly teaches the following limitations as shown.

- *wherein the defining metrics which describe the performance of an organization, corporation, team or group, or business process, includes one or more of: definition of metrics by an expert operator of the computer system to establish standard metrics for an organization, corporation,*

team or group, or business process; definition of metrics by an operator of the computer system to establish metrics for an organization, corporation, team or group, business process or personal use (Golightly [0040] refers to "an expert system model" and in [0041] teaches use of an "optimizing system" which inherently incorporates a metric as an objective function.).

Neither Golightly nor Sanders specifically teach that metrics are established for an organization, corporation, team or group, business process or personal use, but Buchan, in an analogous art, does. Buchan [abstract] *inter alia* teach "management performance models of team performance". Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Golightly, Sanders and Buchan as they pertain to assessments of business performance and that the inclusion of performance metrics of distinct teams or groups of entities for which performance is measure provides an obvious variation of the teachings of Golightly and Sanders and that such modification would have been obvious to one of ordinary skill in the art and its benefits would have been predictable.

Claim 13:

Golightly teaches the following limitations as shown.

- *the defining targets for the current and future performance as measured by the metrics includes: definition of goals by an expert operator of the computer system to establish standard goals for an organization, corporation, team or group, or business process* (Golightly [0006] states "This knowledge [ ] may then be analyzed in the light of various goals and objectives [ ] and used to generate decisions [ ] related to the operation of the system or process [ ] subject to various goals and objectives [ ] specified by the analyst." (emphasis added) where an 'analyst' corresponds to an expert.)*; and*

Neither Golightly nor Sanders specifically teaches *definition of goals by a business operator of the computer system to establish targets for an organization, corporation, team or group, business process or personal use.*, but Buchan, in an analogous art, does. Buchan [abstract] *inter alia* teach "management performance models of team performance" which involves the establishment and definition of goals and targets. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Golightly, Sanders and Buchan as they pertain to assessments of business performance and that the inclusion of performance metrics of distinct teams or groups of entities for which performance is measure provides an obvious variation of the teachings of Golightly and Sanders and that such modification would have been obvious to one of ordinary skill in the art and its benefits would have been predictable.

Claim 14:

Golightly teaches the following limitations as shown.

- *the projecting the likelihood of goals being achieved in the future includes forecasts performance and ranges of potential likely performance* (Golightly [0151] refers to forecasting and financial projections based on performance measurements).

Claim 15:

Golightly teaches the following limitations as shown.

- *wherein the optimizing performance of one or more metrics includes one or more of: detecting relationships between different metrics; use of the computer system to calculate optimal values for goals which have a relationship with the metric or metrics to be optimized; development of scenarios to simulate performance under certain circumstances* (Golightly [0131] states "One embodiment of the REO system includes elements of advanced planning and scheduling for the enterprise and additional functionality that may include simulation for predictive analysis and scenario evaluation and optimization. [...] may help manufacturers or other enterprise managers understand, control, and optimize their processes. For example, a multivariable predictive controller and integrated process optimizer may be useable for controlling and optimizing single and connected processes." (emphasis added)).

Claim 16:

Golightly teaches the following limitations as shown.

- *wherein the detecting the significance of a transaction, event or change in data includes one or more of: likelihood of achieving a goal or not; recalculation of forecast performance; recalculation of optimal goal values; notifying an operator of the computer system that the detection has taken*

place; and interpretation of why the transaction, event or change in data is significant (Golightly [0018] *inter alia* refers to empirical statistical models, "so that the best possible prediction results may be achieved...." where such inherently involves comparison of optimal values. Golightly [0046] further states "the system may be operable to monitor input information from the one or more information sources and detect changes in data/information from the plurality of information sources. If a value or change in value in an element of the input information matches one or more criteria, the system may retrieve the element, and update one or more of the dynamic models, and/or the optimizing system, in response to the detected changes, and in accordance with the retrieved element.", hence reads on detecting data changes and alerting appropriate personnel of such changes.)

Note that neither Golightly, nor Sanders nor Buchan specifically teaches recalculation of optimal values, etc., but Examiner takes **Official Notice** that it is old and well-known as well as common place in the statistical analysis arts to recomputed or recalculate various statistical and performance measures. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Golightly with what is old and well-known in the art insofar as recalculation of important data values and parameters as such recalculation enhances the reliability and confidence (see Golightly [0150]) in the resulting values, plans and decisions resulting therefrom and that such techniques would have been known to one of ordinary skill in the art at the time of the invention and that their effects would have been predictable.

Claim 17:

Golightly teaches the following limitations as shown.

- *wherein the performing an action in response to the step of detecting the significance of a transaction, event or change in data includes one or more of: notifying a user or groups of users of the computer system; storing status information to reflect the priority of action; storing information on the action taken; storing status information after the action has been taken; and correlating previous actions taken with performance and achievement of goals* (Golightly [0134-5]

refers to measurable performance indicators which inherently are communicated to a user. It further describes intelligence gathering and situation analysis, strategic planning, etc).

Claim 19:

Golightly teaches the following limitations as shown.

- *wherein the monitoring performance of one or more metrics includes one or more of: the automatic calculation of a previously defined dimension on the metric; the automatic creation by the system of additional individual level metrics as new instances of the dimension are added, without any operator involvement; and the automatic interpretation of this new metric over time; wherein the automatic calculation of expected and forecast metrics, including but not limited to, the calculation of expected time of arrival at certain goal points or points in a process* (Golightly [abstract] teaches an automated process and real-time control of an enterprise.).

Claim 20:

Golightly teaches the following limitations as shown.

- *creating user interfaces for displaying data, including but not limited to metrics, goals, forecast performance, alerts, annotations, comments and threads of discussion using graphical and non-graphical displays* (Golightly [0146] *inter alia* describes and/or discloses user interfaces);
- *publishing user interfaces across an organization, corporation, team or group in different formats, including but not limited to web based formats, documents and third party electronic document formats* (see previous limitation); *and*
- *scheduling automatic publishing and distribution based on specified time intervals or defined business rules and alerts* (Golightly [0042] describes and/or discloses a system for distribution of models which include information sources. See also Golightly [0084]).

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Mark A. Fleischer** whose telephone number is **571.270.3925.** The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's acting supervisor, **Beth Boswell** whose telephone number is **571.272.6737** may be contacted.

The prior art made of record and not relied upon that is considered pertinent to applicant's disclosure are:

- Discenzo (US 6847854 B2),
- ISA Draft –dS95.01-1999 (*Enterprise - Control System Integration Part 1: Models and Terminology*) and pertains to optimization methods in industrial settings.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair <http://pair-direct.uspto.gov >. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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Mark A. Fleischer
/Mark A Fleischer/
Examiner, Art Unit 3624 12 May 2010

/Andre Boyce/
Primary Examiner, Art Unit 3623